IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1499 OF 2005

Shri Sadashiv Subhan Jadhav and anr. Appellants.

Vs

Shri Dilip Pundalik Sawantdesai, Respondent.

Ms Manisha Pant i/by Bhave and Co. for the appellants.
Mr N.M.Gavankar with Mr Arfan Sait,for the respondent.

CORAM : D.B.BHOSALE,J.
DATED : 04th JULY, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This appeal is directed against the judgment and order of the appellate court allowing the appeal filed by the respondent-plaintiff and granting an order of injunction restraining the appellants-defendants from interfering with their possession in respect of the suit land, except by due process of law. The plaintiff claims to have purchased the suit land from one Sunil Shinde, who sold it to the plaintiff after seeking permission from the Sub Divisional Officer, Ratnagiri, since he had purchased the suit property under section 32-G of the Bombay Tenancy and Agricultural Lands Act,1948 (for short, "BT and AL Act"). According to the appellants, Sunil was never in possession as a tenant and he obtained 32M certificate

under the BT and AL Act by impersonating as original tenant. The appellants-defendnats claim that they were the tenants in the suit land. This being a case of the defendants, in my opinion, the impugned order has protected the right of the defendants to claim possession of the suit land by following due process of law. It is always open to the defendants to adopt appropriate proceedings seeking possession of the land. I find no reason to interfere with the findings of facts recorded by the courts below in this appeal. The Second Appeal is accordingly dismissed.

. It is needless to express that if the appellants adopt appropriate proceedings as aforestated, same may be considered on merits in accordance with law and uninfluenced by the order of injunction granted in this proceedings.

(D.B.BHOSALE,J.)